

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IRA L. JACKSON,

Plaintiff,

v.

3:04-CV-0812

JO ANNE BARNHART, Commissioner
of Social Security,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

Plaintiff moves for reconsideration of the Court's June 6, 2005 Decision and Order.

As an initial matter, Plaintiff has failed to demonstrate proper grounds for relief pursuant to Fed. R. Civ. P. 60 or N.D.N.Y.L.R. 7.1(g). In any event, Plaintiff has failed to demonstrate any evidence tending to suggest that he properly exhausted his administrative remedies.

Plaintiff did not complete the appeals mechanism available through the Social Security Administration. A letter to a member of the United States House of Representatives is not a proper substitute for compliance with the applicable statutory and regulatory guidelines.

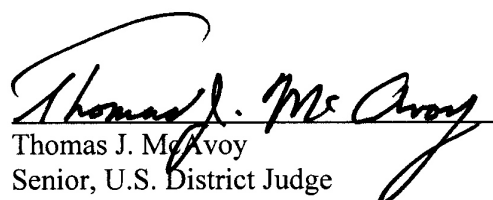
Accordingly, the motion for reconsideration is DENIED.

In its opposition brief, the government asks the Court to dismiss Plaintiff's claim under the Americans with Disabilities Act. If the government wishes to move to dismiss that

claim, it may do so in accordance with the appropriate motion procedures. Accordingly, the government's request is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

Dated: August 19, 2005


Thomas J. McAvoy
Senior, U.S. District Judge